

# BOULDER CITY COUNCIL SPECIAL MEETING PROCEEDINGS

April 12, 2011

1. **CALL TO ORDER AND ROLL CALL - 8:14 p.m.**

Mayor Osborne called the special April 12, 2011 council meeting to order at 8:14 p.m. in Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian, and Morzel.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE**

There being no speakers this portion of the meeting was closed. 8:17p.m.

3. **CONSENT AGENDA: - 8:18 p.m.**

A. **CONSIDERATION OF A MOTION TO APPROVE THE MARCH 15, 2011 CITY COUNCIL MEETING MINUTES.**

B. **CONSIDERATION OF A MOTION TO APPROVE THE MARCH 29, 2011 CITY COUNCIL MEETING MINUTES.**

Council Member Morzel amended the votes on two boards and commissions. Library Commission was 9 votes and Open Space and Mountain Parks was 5 votes.

C. **CONSIDERATION OF A MOTION CALLING A SPECIAL MEETING ON TUESDAY, APRIL 26, 2011 AT 8 P.M. OR IMMEDIATELY FOLLOWING THE STUDY SESSION.**

D. **CONSIDERATION OF A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE 2009 RESTATED FIRE AND POLICE MONEY PURCHASE PENSION PLAN AND TRUST AGREEMENT OF THE CITY OF BOULDER AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON THE CITY'S BEHALF.**

E. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT NO. 108, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 7712, 7713, 7778, 7779, 7780, 7783, AND THE COUNCIL PROCEDURE AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981.**

Council Member Morzel moved, seconded by Appelbaum, to approve Consent Agenda items 3A through 3E with Item 3B as amended. The motion carried unanimously, 9:0 at 8:20 p.m..

4. **CALL- UP CHECK IN:**

There were no potential call-ups on this agenda.

**ORDER OF BUSINESS**

5. **PUBLIC HEARINGS:**

- A. **CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF THE WEISER PROPERTY CONSISTING OF 243 ACRES OF LAND AND WATER RIGHTS APPURTENANT THERETO LOCATED AT 3994 WINDHOVER LANE, BOULDER, CO FROM THE WINDHOVER RANCH LLLP FOR \$4,000,000 FOR OPEN SPACE AND MOUNTAIN PARKS PURPOSES. – 8:28 P.M.**

The presentation of the item was from Jim Schmidt and Dr. Heather Swanson of Open Space and Mountain Parks. Mr. Schmidt provided the background behind the 243-acre property including the Conservation Easement that was acquired by the city in 1993. He pointed out that the 100 acres was designated as the White Rocks State Natural Area by the Colorado Natural Areas Program in 1979. In addition to the Conservation Easement on the property the City secured a Right of First Refusal to acquire the remaining fee interest at a future time, if and when it was offered for sale. The owners recently notified Open Space that they had entered into a contract to sell the property for \$4,000,000. The City now had until May 2, 2011 to exercise its Right of First Refusal. The property could be subdivided into four 60-acre parcels and would allow for one home on each parcel. Staff recommended the purchase of the property with an additional \$100,000 of acquisition fund dollars to be appropriated for development of an Open Space management plan.

Dr. Heather Swanson then highlighted many ecological features of the property including sandstone cliffs and caves and sandy soils. These features supported unique wildlife species and plants. The area also had many cultural resources including signatures carved into the rocks and ancient arrowheads. Barn owls nest in the cliffs and four species of rare ants, one of which was considered globally in peril. In addition, the Boulder Creek bisects the land and supports a variety of wildlife. Some challenges on the property existed such as Russian olive, noxious weeds, and aquatic nuisance species. High intensity grazing also occurred on the property. The property was recognized as an ecologically significant area. It was one of the first four State natural areas to be designated. She noted that eagles nested on the property and staff would be looking at a seasonal closure from November 1 through July 31 each year. Purchasing the property provided a unique opportunity to ensure the preservation of the unique property.

Council Member Cowles asked about the opportunity to perform restoration of Fremont cottonwoods along the riparian area. Staff commented that seeding or saplings would be used to replace non-native species.

Deputy Mayor Wilson inquired as to whether prairie dogs were located on the property. Staff was unsure but some prairie dogs to the west of the Weiser property existed. This would need to be given a designation under the management plan.

Council Member Karakehian clarified there was a potential for four home sites on the property but no subdivision had occurred. The conservation easement did identify the building envelopes.

Council Member Becker supported trail-to-trail projects and indicated a desire to see Open Space be cooperative in the effort.

Patricia Billig with the Open Space Board commented that the Board felt it was a privilege and honor to continue managing the property in a manner that Ricky Weiser had in mind.

The public hearing was opened at 8:57 p.m.:

1. Rob Billerbeck, Manager of the Colorado State Natural Areas Program indicated the property was designated as one of the best of its 88 properties. He supported the City purchase.
2. Julie McCabe asked Council to question why the conservation easement wasn't enough and why an additional \$4 million was justified for the purchase given other critical needs.
3. Mike Janeczko was an interested party in purchasing the Windover Ranch and read a letter into the record (see attachment). His plan was to manage the land as a wildlife refuge and he thought the City's Open Space budget capacity was already being maxed out to care for all of its land.
4. Pat Peterson would like to see the property designated as Open Space but urged council to make it available to the public with some control and protection.

Council Member Ageton clarified with Jim Schmidt that the two deal breakers for Open Space were related to the potential home site within the agricultural envelope and the prospective owners' desire to engage in hunting game birds with bird dogs. Upland game bird hunting began November through January, which interfered with eagle nesting and related protection.

There being no further speakers the public hearing was closed.

Council Member Gray moved, seconded by Cowles to approve the purchase of the Weiser property consisting of 243 acres of land and water rights appurtenant thereto located at 3994 Windhover Lane, Boulder, CO from the Windhover Ranch LLLP for \$4,000,000 for Open Space and Mountain Parks purposes. An additional \$100,000 from acquisition funds is authorized to be used for immediate needs and management plan development as detailed in the memo. The motion carried unanimously, 9:0.

6. **MATTERS FROM THE CITY MANAGER:**

None.

7. **MATTERS FROM THE CITY ATTORNEY:**

None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

None.

9. **FINAL DECISIONS ON MATTERS:**

None.

10. **ADJOURNMENT:**

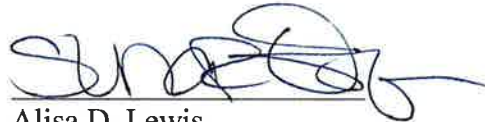
There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 9:33 P.M.

APPROVED BY:



Susan Osborne,  
Mayor

ATTEST:



Alisa D. Lewis,  
City Clerk